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To: Commissioner for Patents
Attn: Examiner Russel, Art Unit 1654
Company: USPTO
Fax: (703) 872-9306

From: Jeff Hagenah
Company: Theravance, Inc.
Telephone: 650-808-6406
Fax: 650-808-6078
Date: December 7, 2004
of pages: 18
(including this page)

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Comments:

Attached is a Reply for U.S. Serial No. 10/601,847.

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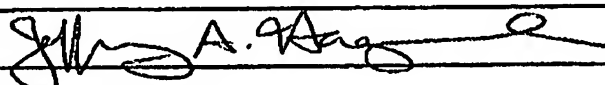
PTO/SB/21 (09-04)

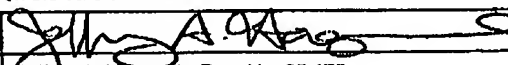
Approved for use through 07/31/2006. OMB 0851-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/601,847	
	Filing Date	June 23, 2003	
	First Named Inventor	Linsell et al.	
	Art Unit	1654	
	Examiner Name	Jeffrey E. Russel	
Total Number of Pages in This Submission	18	Attorney Docket Number	P-089-US2

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks Enclosed are the following: Amendment and Reply (13 pages); Terminal Disclaimer (1 page); Fee Transmittal (1 page in duplicate); this Transmittal Form (1 page); Facsimile Cover Page (1 page); Total Pages = 18		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm	Theravance, Inc.	
Signature		
Printed Name	Jeffrey A.. Hagenah	
Date	December 7, 2004	Reg. No. 35,175

CERTIFICATE OF TRANSMISSION/MAILING			
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Signature			
Typed or printed name	Jeffrey A. Hagenah, Reg. No. 35,175	Date	December 7, 2004

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PTO/SB/17 (10-04v2)

Approved for use through 07/31/2008. OMB 0851-0032

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FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 110

Complete if Known

Application Number	10/601,847
Filing Date	June 23, 2003
First Named Inventor	Unsell et al.
Examiner Name	Jeffrey E. Russel
Art Unit	1854
Attorney Docket No.	P-089-US2

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:Deposit
Account
Number

50-0344

Deposit
Account
Name

Theravance, Inc.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) or any underpayment of fee(s)
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	780	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	560	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	180	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
-20 **	= 0	X	= 0
Independent Claims			
-3 **	= 0	X	= 0
Multiple Dependent			
		X	= 0

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	88	2201	44	Independent claims in excess of 3	
1203	300	2203	150	Multiple dependent claim, if not paid	
1204	88	2204	44	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2)

(\$0)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1063	130	Non-English specification	
1012	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to Institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1808	180	1808	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) 1814 Statutory Disclaimer

*Reduced by Basic Filing Fee Paid

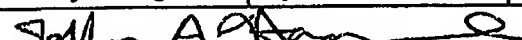
SUBTOTAL (3)

110

(\$110)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Jeffrey A. Hagenah	Registration No. (Attorney/Agent)	35,175	Telephone	(650) 808-6406
Signature		Date	December 7, 2004		

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PTO/SB/17 (10-04v2)

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for FY 2005**

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First Named Inventor	Linsell et al.
Examiner Name	Jeffrey E. Russel
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Attorney Docket No.	P-089-US2

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METHOD OF PAYMENT (check all that apply)				FEE CALCULATION (continued)																																																																																																																							
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account: Deposit Account Number: 50-0344 Deposit Account Name: Theravance, Inc. The Director is authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s) <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.				3. ADDITIONAL FEES <table border="1"> <thead> <tr> <th>Large Entity Fee Code (\$)</th> <th>Small Entity Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1051 130</td><td>2051 66</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052 50</td><td>2052 25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053 130</td><td>1053 130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812 2,520</td><td>1812 2,520</td><td>For filing a request for ex parte reexamination</td><td></td></tr> <tr><td>1804 920*</td><td>1804 920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805 1,840*</td><td>1805 1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251 110</td><td>2251 55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252 430</td><td>2252 215</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253 880</td><td>2253 490</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254 1,530</td><td>2254 765</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255 2,080</td><td>2255 1,040</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401 340</td><td>2401 170</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402 340</td><td>2402 170</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403 300</td><td>2403 150</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451 1,510</td><td>1451 1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452 110</td><td>2452 55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>1453 1,370</td><td>2453 685</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>1501 1,370</td><td>2501 685</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502 490</td><td>2502 245</td><td>Design issue fee</td><td></td></tr> <tr><td>1503 680</td><td>2503 330</td><td>Plant issue fee</td><td></td></tr> <tr><td>1460 130</td><td>1460 130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>1807 50</td><td>1807 50</td><td>Processing fee under 37 CFR 1.17 (d)</td><td></td></tr> <tr><td>1808 180</td><td>1808 180</td><td>Submission of Information Disclosure Sheet</td><td></td></tr> <tr><td>8021 40</td><td>8021 40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>1809 790</td><td>2809 395</td><td>Filing a submission after final rejection (37 CFR § 1.128(a))</td><td></td></tr> <tr><td>1810 780</td><td>2810 395</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td>1801 780</td><td>2801 395</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>1802 900</td><td>1802 900</td><td>Request for expedited examination of a design application</td><td></td></tr> </tbody> </table>				Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid	1051 130	2051 66	Surcharge - late filing fee or oath		1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet		1053 130	1053 130	Non-English specification		1812 2,520	1812 2,520	For filing a request for ex parte reexamination		1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action		1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action		1251 110	2251 55	Extension for reply within first month		1252 430	2252 215	Extension for reply within second month		1253 880	2253 490	Extension for reply within third month		1254 1,530	2254 765	Extension for reply within fourth month		1255 2,080	2255 1,040	Extension for reply within fifth month		1401 340	2401 170	Notice of Appeal		1402 340	2402 170	Filing a brief in support of an appeal		1403 300	2403 150	Request for oral hearing		1451 1,510	1451 1,510	Petition to institute a public use proceeding		1452 110	2452 55	Petition to revive - unavoidable		1453 1,370	2453 685	Petition to revive - unintentional		1501 1,370	2501 685	Utility issue fee (or reissue)		1502 490	2502 245	Design issue fee		1503 680	2503 330	Plant issue fee		1460 130	1460 130	Petitions to the Commissioner		1807 50	1807 50	Processing fee under 37 CFR 1.17 (d)		1808 180	1808 180	Submission of Information Disclosure Sheet		8021 40	8021 40	Recording each patent assignment per property (times number of properties)		1809 790	2809 395	Filing a submission after final rejection (37 CFR § 1.128(a))		1810 780	2810 395	For each additional invention to be examined (37 CFR § 1.129(b))		1801 780	2801 395	Request for Continued Examination (RCE)		1802 900	1802 900	Request for expedited examination of a design application	
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**or number previously paid, if greater; For Reissues, see above

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Jeffrey A. Hagenah	Registration No. (Attorney/Agent)	35,175	Telephone	(650) 808-6406
Signature			Date	December 7, 2004	

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